

EXHIBIT C

assembled for the project. The manuscript will be placed with a secular publisher for publication. (emphasis added)

Besides the obvious use of the word “creation” above, a number of things in this reference to *Pandas* (FTE’s only high-school textbook of this kind) mark it as a creationist book. First, “two-model” is a clear reference to creationism (see Paul Nelson’s use of this term in IV. B.) Second, the plural “evidences” is commonly (though not exclusively) used in Christian apologetics, of which creationism is an integral part (see I. A.). (A lawyer for the plaintiffs in *Edwards* noted the repeated use of this term in the 1981 Louisiana Balanced Treatment for Creation-Science and Evolution-Science Act.)⁹³ Moreover, the phrase “in this case” indicates FTE’s attempt to avoid constitutional problems with this particular book, suggesting a covertly religious aim. There is evidence that this is the case. In a 1994 *Wall Street Journal* article, Erik Larson reports that Johnson was disappointed that *Pandas* authors had to conceal the identity of the designer:

To counter objections that “*Pandas*” would bring religion into the classroom, the [Foundation for Thought and Ethics] suggested a response [to be used by the book’s promoters]: “I agree that personal beliefs should not be taught in science classrooms, but intelligent design is not a personal belief; it is accepted science, a view that is held by many highly qualified scientists.”

But even Mr. Johnson, the Berkeley law professor, says a bit more candor about the nature of the designer might be in order. “You’re playing Hamlet without Hamlet if you don’t say something about that,” he says. He exonerates the authors, however. “The fact is they’re working against enormous prejudice here, and enormous bigotry. And they’re trying to put it in terms that the courts and science will allow to exist.”⁹⁴

The stated intent to use a secular publisher points to FTE’s identity as a religious organization. FTE’s articles of incorporation describe its primary purpose as “both religious and educational, which includes, but is not limited to, proclaiming, publishing, preaching, teaching, promoting, broadcasting, disseminating, and otherwise making known the Christian gospel and understanding of the Bible and the light it sheds on the academic and social issues of our day.”⁹⁵

There is also evidence that *Pandas* was understood by its creators as a creationist book even before a publisher was secured. Originally intended for publication under the title *Biology and Origins*, FTE president Jon Buell wrote a January 1987 letter to Jones and Bartlett Publishers soliciting interest in the manuscript. Referring to the book’s potential profits, Buell made the following pitch, which includes a reference to the anticipated *Edwards v. Aguillard* ruling:

⁹³ See Douglas Theobald, “Evidences?” at www.talkorigins.org/faqs/comdesc/evidences.html. Accessed on March 9, 2005.

⁹⁴ See Larson, “Darwinian Struggle.”

⁹⁵ See “Articles of Incorporation of the Foundation for Thought and Ethics,” filed in the Office of the Secretary of State of Texas, December 5, 1980. On file with the National Center for Science Education.

The enclosed projections showing revenues of over 6.5 million [dollars] in five years are based upon modest expectations for the market provided the U. S. Supreme Court does not uphold the Louisiana "Balanced Treatment Act." *If, by chance it should uphold it, then you can throw out these projections, the nationwide market would be explosive!*⁹⁶ (emphasis added)

The *Edwards* case had been argued on December 10, 1986, shortly before Buell wrote the letter, and he was basing the book's estimated profits on the outcome. The notable aspect of his projection is that he clearly believed that higher profits depended on a ruling favorable to creationists. Awaiting the ruling (which was handed down a few months later on June 19, 1987), Buell is saying that the upholding of the Louisiana law, which required that creation science be taught in a public school whenever evolution was taught, would create an "explosive" market for the textbook that would be published three years later as *Of Pandas and People*. If the Louisiana creationists won, so would *Pandas*. This is tantamount to an admission that *Pandas* is a creationist textbook.⁹⁷

There is also more evidence of the religious intent of *Pandas*. A 1992 FTE fundraising letter from Buell cites the upcoming 1993 edition of *Pandas* as an example of what FTE was doing to "help restore uncoerced moral and spiritual choice to young people." Citing the transfer of political power that year, Buell invokes a biblical story about the transfer of loyalty from King Saul to David and stresses the need to "'understand the times, with knowledge of what Israel should do' (I Chron. 12:32)." Buell offers *Pandas* as the source of such knowledge. Requesting financial support to help "oppose the tide of naturalism and atheism" in public schools, he assures donors that they will be making it possible for public school students to "learn the truth about how our world was made, and to appreciate the fact that they are not just animals."⁹⁸

⁹⁶ See the letter from Jon Buell to Arthur C. Bartlett, Jones and Bartlett Publishers, Inc., January 30, 1987. On file with the National Center for Science Education. The letter refers to the book as *Biology and Origins*. Buell's December 1988 letter announcing the publication of the manuscript by Houghton Publishing explains the name change to *Of Pandas and People*. This letter is also on file with the National Center for Science Education.

⁹⁷ See the Court's decision in *Edwards v. Aguillard* (1987) at <http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=us&vol=482&invol=578>. Accessed on March 31, 2005.

⁹⁸ See letter from Jon A. Buell, Foundation for Thought and Ethics, December 1992. On file with the National Center for Science Education.